



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kiyoshi TATEISHI

Application No.: 09/985,836

Filed: November 6, 2001

For: OPTICAL RECORDING MEDIUM,
INFORMATION RECORDING
APPARATUS, AND INFORMATION
REPRODUCING APPARATUS

Confirmation No.: 4513

Group Art Unit: 2655

Examiner: J. Ortiz-Criado

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In response to the Election of Species Requirement dated August 9, 2005, the period for response to which extends through October 9, 2005 by a one-month extension of time petitioned for herein, Applicant hereby provisionally elects the species of invention identified in the Office Action as “b. Fig. 4.” Applicant submits that claims 1, 2, 5-8 and 22-26 are readable on the elected species.

Applicant respectfully traverses the Office Action's assertion that the instant application contains claims that are directed to four species as follows:

- Fig. 1
- Fig. 4
- Fig. 5
- Fig. 6

Fig. 1 shows an embodiment of a 4-layer disc in which physical addresses in a land track are allocated discontinuously from physical addresses in a groove track in each of the recording layers.

Fig. 4 shows an embodiment of a 2-layer disc in which physical addresses in a land track are allocated discontinuously from physical addresses in a groove track in each of the recording layers.

Figs. 5 and 6 show an embodiment of a 2-layer disc having 3-zones in which physical addresses in a land track are allocated discontinuously from physical addresses in a groove track in each of the recording layers.

Accordingly, Applicant submits that the instant application contains claims that are directed to two species as follows:

- a. Figs. 1-4
- b. Figs. 5-6

To the extent that the Examiner agrees with Applicant's two-species, Applicant hereby provisionally elects the species of invention identified by the Applicant as Figs. 1-4. Applicant submits that claims 1, 2, 5-8 and 22-26 are readable on the elected species.

Applicant respectfully traverses the Office Action's assertion that there are currently no generic claims. Applicant submits that at least claims 22 and 25 are generic to all species, whether the application contains four species as identified by the Office Action, or whether the application contains two species as identified by the Applicant. An action on the merits is requested.

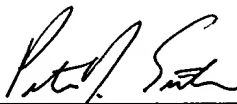
Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: October 7, 2005

By:



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